

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RONALD E. HARRIS, II,

Case No. 3:15-cv-179

Petitioner,

v.

Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

WARDEN, Chillicothe Correctional
Institution,

Respondent.

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 10);
ADOPTING REPORT AND RECOMMENDATIONS (DOC. 8); AND
TERMINATING THIS CASE**

This habeas corpus case is before the Court on the Objections (Doc. 10) filed by Petitioner Ronald E. Harris, II (“Petitioner”) to the Magistrate Judge’s Report and Recommendations (Doc. 8). In the Report and Recommendations, the Magistrate Judge recommended that the Court dismiss this case for lack of subject matter jurisdiction under *Burton v. Stewart*, 549 U.S. 147 (2007).

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Petitioner’s Objections (Doc. 10) to the Report and Recommendations (Doc. 8) are not well taken and they are hereby **OVERRULED**. The Court **ADOPTS** the Report and Recommendations (Doc. 18) in their entirety and rules as follows:

- The Court **DISMISSES** this case for lack of subject matter jurisdiction;
- As reasonable jurists would not disagree with this conclusion, the Court **DENIES** a certificate of appealability to Petitioner;
- The Court **CERTIFIES** to the Sixth Circuit that any appeal would be

objectively frivolous and therefore Petitioner should not be permitted to proceed *in forma pauperis*; and

- The Clerk is **ORDERED** to terminate this case on the docket of this Court.

DONE and **ORDERED** in Dayton, Ohio, this Wednesday, October 14, 2015.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE